

REMARKS

1. Election/Restriction

5 This application contains claims directed to the following patentably distinct species of the claimed invention:

a) Species I: claims 1-10, drawn to a method of forming a photo sensor on a semiconductor wafer without an overlapped region.

10 b) Species II: claims 11-19, drawn to a method of forming a photo sensor on a predetermined region with an overlapped region.

15 Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

20 Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable 25 or that all claims are generic is considered nonresponsive unless accompanied by an election.

30 Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise

include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP §809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly 10 admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Response:

Applicants accept the Examiner's opinion and amend the claims in the above AMENDMENTS TO THE CLAIMS section according to 37 CFR 1.143. The species I, claims 1-10, 25 are elected as the subject matter to be examined in the present application. The species II, claims 11-19, are non-elected and therefore canceled. Reconsideration over claims 1-10 is hereby requested.

30 **2. Inventorship**

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

10 **Response:**

Inventors of the elected invention are not changed.

Sincerely yours,

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Winston Hsu Date: 8/14/2003

Winston Hsu, Patent Agent No. 41,526

P.O. BOX 506

20 Merrifield, VA 22116

U.S.A.

e-mail: winstonhsu@naipo.com.tw

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